

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSEPH HALL,

Plaintiff,

v.

ST. FRANCIS MEDICAL CENTER et al.,

Defendants.

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Civ. No. 18-2225 (FLW) (DEA)

MEMORANDUM AND ORDER

FREDA L. WOLFSON, U.S.D.J.

Plaintiff, Joseph Hall (“Plaintiff”), is a state prisoner who seeks to proceed *pro se* with a civil-rights complaint. He filed, with his complaint, two pages of a form application to proceed *in forma pauperis*. (ECF No. 1-3.)

A complaint must generally include either a \$400.00 fee (a \$350.00 filing fee plus a \$50.00 administrative fee) or an application to proceed *in forma pauperis*. 28 U.S.C. §§ 1914(a), 1915(a). If a prisoner plaintiff is proceeding *in forma pauperis*, the \$350.00 filing fee is still assessed, but may be paid in installments. 28 U.S.C. § 1915(b).

Under Local Civil Rule 81.2, a prisoner asserting civil rights claims who seeks to proceed *in forma pauperis* must submit

an affidavit setting forth information which establishes that the prisoner is unable to pay the fees and costs of the proceedings and shall further submit a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner’s prison account and, (2) the greatest amount on deposit in the prisoner’s prison account during the six-month period prior to the date of the certification.

L. Civ. R. 81.2(b). The rule further requires that any such application be made by way of court forms. *Id.*

Plaintiff's application to proceed *in forma pauperis* is incomplete. (See ECF No. 1-3.) It includes the first two pages of an Application to Proceed *in Forma Pauperis* in a Civil Rights Case, Form DNJ-ProSe-007-A-(Rev.05/2013), but does not include the third page. (*Id.*) The third page of the form would typically include, among other things, the applicant's signature, necessary to make the form an affidavit, and the signature of an authorized institutional officer, as required by Local Civil Rule 81.2. As Plaintiff's incomplete application lacks these key features, it must be denied without prejudice.¹

Accordingly, IT IS, on this 8th day of March 2018,

ORDERED that the Clerk shall administratively terminate this case; Plaintiff is informed that administrative termination is not a dismissal for purposes of the statute of limitations and that, if the case is reopened, it is not subject to the statute of limitations time bar, provided that the original complaint was timely; and it is further

ORDERED that Plaintiff may have this case reopened if, within thirty (30) days of the date of entry of this Memorandum and Order, Plaintiff either pre-pays the \$400.00 fee or submits to the Clerk a complete, signed application to proceed *in forma pauperis*, including an affidavit and certification, in compliance with 28 U.S.C. § 1915(a) and Local Civil Rule 81.2(b); and it is further

¹ The Court notes that a letter Plaintiff included with his complaint, though largely illegible, seems to raise an issue with Plaintiff's ability to obtain his prison account statements. (See ECF No. 1-1.) Even if Plaintiff is indeed somehow unable to obtain the required record, he must still include a complete form application, including as much information as possible, and should attach an explanation of any difficulty obtaining records, in a form that is easily legible, *see* L. Civ. R. 10.1(b).

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a complete *in forma pauperis* application or filing fee within the time allotted by this Memorandum and Order, the Clerk will be directed to reopen this case; and it is further

ORDERED that the Clerk shall serve on Plaintiff by regular U.S. mail (1) this order and (2) a blank form application to proceed *in forma pauperis* by a prisoner in a civil rights case, form DNJ-ProSe-007-A-(Rev.05/2013).

/s/ Freda L. Wolfson
FREDA L. WOLFSON
United States District Judge